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March 26, 2007

VIA CM/ECF & HAND DELIVERY

The Honorable Gregory M. Sleet
U.S. District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

RE: Rohm and Haas Electronic Materials v. Honeywell International Inc., Case 1:06-cv-00297-GMS

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled for March 28, 2007 at 2 p.m. in the above captioned matter, the parties jointly submit the following items to be presented to the Court:

Plaintiff's Issues:

- Defendant's refusal to produce the items that it agreed to produce in response to Plaintiffs' Requests for Documents, Electronically-Stored Information, and Things (Nos. 1-90).

Defendant's Issues:

- The PTO has granted reexamination on *both* of the two patents-in-suit. The PTO granted reexamination of U.S. Patent No. 6,472,128 on January 25, 2007. On Friday, March 23, the PTO granted reexamination of U.S. Patent No. 6,773,864.
- Defendant has asked Plaintiff to voluntarily extend the deadlines under the present Scheduling Order for disclosing opinions of counsel (currently, April 2, 2007), and completing fact discovery (currently June 1, 2007). Specifically, Defendant has asked Plaintiff to agree that fact discovery can be completed, if necessary, during the times currently allotted under the Scheduling Order for *Markman* proceedings and expert discovery. Under Defendant's

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proposal, all discovery would be completed by January 7, 2008. The dates currently set under the Scheduling Order for *Markman* proceedings, dispositive motions, and trial would remain the same, so that the Court's schedule would not be affected.

- The sole purpose of Defendant's request is to avoid unnecessary expense to the parties, while allowing the Court sufficient time to rule on Defendant's motion to stay this case pending the outcome of reexamination proceedings.
- Plaintiff has not provided any reason for its refusal to agree to Defendant's proposal for a short extension of the current fact discovery deadlines.

Thank you for your Honor's consideration.

Respectfully,

/s/ Jeremy D. Anderson

Jeremy D. Anderson (I.D. 4515)

cc: Rudolf E. Hutz, Esq.
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